

it appears to me, these sums come fairly within the rule regulating allowances in such cases.

The second exception of the receiver relates to the charge against him in account D., of \$1200, allowed for counsel fees, in account A., being supported by vouchers Nos. 150, 151, 152 and 153, in part. The rule with reference to allowances to the committee of a lunatic is believed to be correctly stated in the *Maryland Ch. Pr.*, 236. The first allowance is for the cost of the commission which the author says is understood to include the legal costs with counsel fees, paid by the petitioner. They are, he says, all allowed unless excluded by a previous order of the court. The estate, in this case, is a very large one, and on that account and because of the necessity of proceeding with great caution in the discharge of his duty, a liberal allowance should be made to the committee for counsel fees paid for professional services rendered him in that capacity.

It appears from the record before me, that there was no doubt of the lunacy of Rachel Colvin when the petition was filed in Baltimore County Court, by Richard C. Warford, in November, 1850, nor that she was in that condition as early as April, 1849. In fact, Elisha Warford and those who co-operated with him, insisted that her lunacy commenced at an earlier period, and it was the controversy in relation to this point which produced much of the expense attending the proceedings before the cause was transferred to this court. Fees paid to counsel for conducting this part of the controversy, cannot be allowed out of the estate. They must be paid by the parties who carried it on, for purposes interesting to themselves. The voucher No. 150, was, therefore, properly rejected by the Auditor in account D.

Nor can counsel fees be allowed for services rendered the parties in that part of the case which related to the person who should be appointed committee. If the parties interested, differ and litigate this point, they must do it at their own expense. Elisha Warford, and those who united with him, objected to the appointment of Richard C. Warford and his sister, and recommended Mr. Ellicott. They succeeded, but it does not fol-